

UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW JERSEY

Caption in Compliance with D.N.J. LBR 9004-1(B)

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Attorney for Andrew Sklar,
Chapter 7 Trustee

In Re:

Orbit Energy & Power, LLC,
Debtor.

Case No.: 22-19628(ABA)

Judge: Andrew B. Altenburg

Chapter: 7

**CERTIFICATION OF PROFESSIONAL IN SUPPORT OF
APPLICATION FOR RETENTION OF PROFESSIONAL**

I, Eric Merback, being of full age, certify as follows:

1. I am seeking authorization to be retained as Auctioneer for the Chapter 7 Trustee.
2. My professional credentials include: I am a licensed auctioneer and a certified machinery and equipment appraiser in the AMEA and routinely perform auction services for bankruptcy trustees in Pennsylvania and New Jersey.
3. I am a member of or associated with the firm of: Quaker City Auctioneers, Inc. ("QCA").
4. The proposed arrangement for compensation, including hourly rates, if applicable, is as follows Misc. expenses: As set forth on the attached Auction Proposal (Exhibit A) to the Application for Retention of Professional. Fees: 18% Buyers' Premium (3% of which will be paid to Bidspotter) plus reimbursement of expenses. No commission will be charged to the Estate. Expenses will be subject to Bankruptcy Court approval.

Pursuant to D.N.J. LBR 2014-3, I request a waiver of the requirements of D.N.J. LBR 2016-1.

5. To the best of my knowledge, after reasonable and diligent investigation, my connection with the debtor(s), creditors, any other party in interest, their respective attorneys and accountants, the United States trustee, or any person employed in the office of the United States trustee, is as follows:

None

Describe connection: _____

6. To the best of my knowledge, after reasonable and diligent investigation, the connection of my firm, its members, shareholders, partners, associates, officers and/or employees with the debtor(s), creditors, any other party in interest, their respective attorneys and accountants, the United States trustee, or any person employed in the office of the United States trustee, is as follows:

None

Describe Connection: _____

7. To the best of my knowledge, my firm, its members, shareholders, partners, associates, officers and/or employees and I (check all that apply):

- do not hold an adverse interest to the estate.
- do not represent an adverse interest to the estate.
- are disinterested under 11 U.S.C. § 101(14).
- do not represent or hold any interest adverse to the debtor or the estate with respect to the matter for which I will be retained under 11 U.S.C. § 327(e).

Other. Explain: _____

8. If the professional is an auctioneer,

The following are my qualifications and experience with the liquidation or sale of similar property: Serving as an auctioneer/liquidator of assets in bankruptcy in Pennsylvania and New Jersey for more than 40 years.

b. The proposed method of calculation of my compensation, including rates and formulas, is: Misc. Sale Expenses. Fees: 18% Buyer's Premium, no commission will be charged to Debtor's bankruptcy estate. Sale expenses will be subject to Bankruptcy Court Approval.

Pursuant to D.N.J. 2014-2, I do or do not request a waiver of the requirements of D. N. J. LBR 2016-1.

c. The following is an estimate of all costs and expenses, including labor, security, advertising, delivery, mailing, and insurance, for which I will seek reimbursement from the sale proceeds: Approximately \$17,600.00 to start vehicles, relocate vehicles from landlord's location at 570 Mantua Blvd., Sewell, NJ to location of auction and storage of vehicles until auction sale, subject to the conditions of the vehicles and costs of auction sale.

d. Have you, or a principal of your firm, been convicted of a criminal offense?

No Yes (explain below)

e. I certify that a surety bond as described in D. N. J. LBR 2014-2(a)(6) is in effect and will remain so through the date of turnover of the auction proceeds.

9. If the professional is an auctioneer, appraiser or realtor, the location and description of the property is as follows: Vehicles which constitute assets of the bankruptcy estate located at 570 Mantua Blvd., Sewell, NJ and other locations. *I was previously retained by the former Trustee to liquidate machinery, equipment and inventory which has been done.

I certify under penalty of perjury that the above information is true.

Date: February 8, 2024

/s/ Eric Merback

Signature of Professional

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